

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

December 19, 2005

1AP10 Rec'd PTO 22 DEC 2005

Ian C. McMillan B.Sc. (Math & Eng.), LL.B., LL.M.  
416 957 1644 imcmillan@bereskinparr.com

Your Reference: 10/517,601  
Our Reference: 223-198

## RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts  
The Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia  
U.S.A. 22313-1450

Dear Sir:

**Re: United States Patent Application No. 10/517,601**  
**U.S. National Phase Entry Application PCT/CA03/00886**  
**International Filing Date: June 12, 2003**  
**Title: METHOD AND APPARATUS FOR DETERMINING PERIPHERAL**  
**BREAST THICKNESS**  
**Applicants: Rico, Dan et al.**

The applicant acknowledges receipt of the Notice to File Missing Parts, which was mailed on November 3, 2005. At this time, the applicant encloses herewith the following:

1. Firm cheque in the amount of \$210.00;
2. Transmittal form;
3. Transmittal fee form;
4. Declaration as executed by the inventors;
5. PTO-1595 form and Assignment from all of the inventors except Jiwei Yang to Sunnybrook and Women's College Health Sciences;
6. PTO-1595 form and Assignment from Jiwei Yang to Sunnybrook and Women's College Health Sciences;
7. A copy of the Notice to File Missing Parts.

We enclose our cheque No. 213 in the amount of \$210.00, which comprises the following:

Surcharge fee	130.00
Assignment Recordal (x2)	80.00

12/28/2005 HKAYPAGH 00000106 10517601

01 FC:1617	Total	130.00 OP	\$210.00
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Tel: 416.364.7311 Fax: 416.361.1398 [www.bereskinparr.com](http://www.bereskinparr.com)


TORONTO MISSISSAUGA WATERLOO MONTRÉAL

If any additional fees are required, please withdraw them from our deposit account no. 02-2095 or credit any surcharge thereto.

In view of the foregoing, it is respectfully submitted that filing of this application is now complete.

Respectfully submitted,

DAN RICO ET AL.



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Ian C. McMillan  
Registration No. 43,390

/bap  
Encl.

# TRANSMITTAL FORM

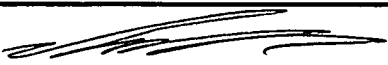
(to be used for all correspondence after initial filing)

<b>Stamp:</b> O I P E DEC 22 2005 PATENT & TRADEMARK OFFICE	Application Number		10/517,601
	Filing Date		
	First Named Inventor		Dan Rico et al.
	Art Unit		3736
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	2223-198

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Assignment Papers; Acknowledgement Postcard; Letter to USPTO; Declaration; Notification of Missing Requirements.
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Bereskin & Parr		
Signature			
Printed Name	Ian C. McMillan		
Date	December 19, 2005	Reg. No.	43,390

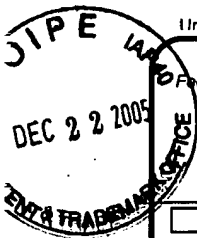
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 210.00**Complete if Known**

Application Number 10/517,601

Filing Date

First Named Inventor Dan Rico et al.

Examiner Name

Art Unit 3736

Attorney Docket No. 2223-198

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 022095 Deposit Account Name: Bereskin & Parr

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = 0	x		0.00			
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = 0	x		0.00			
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = 0	/ 50 =		x	0

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Assignment \$40.00 (x2), Declaration Surcharge \$130.00

210.00

**SUBMITTED BY**

Signature		Registration No. 43,390 (Attorney/Agent)	Telephone (416) 364-7311
Name (Print/Type)	Ian C. McMillan		Date December 19, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec'd T/PTO 22 DEC 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,601	Dan Rico	2223-198

INTERNATIONAL APPLICATION NO.
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PCT/CA03/00886

I.A. FILING DATE	PRIORITY DATE
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06/12/2003

06/21/2002

001059  
 BERESKIN AND PARR  
 40 KING STREET WEST  
 BOX 401  
 TORONTO, ON M5H 3Y2  
 CANADA

CONFIRMATION NO. 6670

371 FORMALITIES LETTER



\*OC000000017388310\*

Date Mailed: 11/03/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/21/2004
- Copy of the International Search Report filed on 12/21/2004
- U.S. Basic National Fees filed on 12/21/2004
- Priority Documents filed on 12/21/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,601	PCT/CA03/00886	2223-198

FORM PCT/DO/EO/905 (371 Formalities Notice)